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ABSTRACT

This document includes both the current Colorado statutes and the Colorado Commission on Higher Education policies defining the types of postsecondary educational institutions authorized to award credits and degrees, conduct business, or maintain a place of business in the state. Revised statutes cover the following: the legislative declaration, definitions as used in the article, restrictions on the awarding of degrees, the notification and deposit of records upon discontinuance of operations, parties responsible for the administration of article-injunctive proceedings, and punishment for violations. Most of the document present the policies of the Commission which are detailed under the following sections: (1) Introduction; (2) Registration and Authorization; (3) Criteria; (4) Procedures for Review of Accreditation Status, Private College or University; (5) Notification of Institution--Authorization and Termination of State Authorization; and (6) Notification and Deposit of Records Upon Discontinuance of a Program or Institution. The appendix provides "Uniform Information on Programs Offered Via Telecommunications." (GLR)

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COLORADO COMMISSION ON HIGHER EDUCATION

THE DEGREE AUTHORIZATION ACT

Statutes and Policies Pertaining to Authorization to Operate as a Postsecondary Education Institution and to Award Credits and Degrees in Colorado

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June, 1993

POLICIES AND PROCEDURES

OF THE COLORADO COMMISSION ON HIGHER EDUCATION

FOR THE ADMINISTRATION OF THE DEGREE AUTHORIZATION ACT

(Title 23, Article 2, Section 101 et seq.,C.R.S.)

FOREWORD

The Colorado General Assembly enacted amendments to Colorado statutes in its 1981 session defining the types of postsecondary educational institutions authorized to award credits and degrees, conduct business, or maintain a place of business in Colorado. These statutes are collectively known as the Degree Authorization Act. The Colorado Commission on Higher Education is designated by the Act as the administering agency.

Prior to the enactment of the amendments to the statutes in 1981, Colorado sought primarily to prevent the operation of "diploma mills," organizations marketing programs of little educational value or selling diplomas without the requisite instruction and learning. Behind the amended legislation, however, is the desire of the public, expressed through its elected representatives, to ensure that postsecondary educational programs offered in Colorado hold reasonably high intrinsic value, are the kinds of programs that they purport to be, and that the sponsoring institutions are sufficiently stable so as to ensure the public of the continuation of an educational program for a reasonable period of time.

In December 1981, the Commission formally adopted policies, developed in consultation with the office of the state Attorney General, for the administration of the Act. Procedures also are outlined for both the Commission and institutions to follow in order to comply with the policies. The policies have been amended by formal Commission action subsequently and in 1985 the Act was amended with the addition of section 23-2-103.5.

This document includes both the current Colorado statutes and the Commission policies. The Commission staff is available for consultation and will respond to inquiries from institutional officers or the public in order to clarify the statutes, policies, and procedures. Consultation with Commission staff is required when institutions apply for authorization. The Commission also will advise interested persons on the current authorization status of any institution coming under jurisdiction of the Act and will, upon request, provide a statement to institutional officials of the authorization status of their institutions.

AN ACT

Colorado Revised Statutes, 1973
Amended 1981, 1985, and 1990

23-2-101. Legislative declaration. The general assembly declares that this article is enacted for the general improvement of the educational programs available to the residents of the state of Colorado; to establish high standard for the education of such residents; to prevent misrepresentation, fraud, and collusion in offering such educational programs to the public; to eliminate those practices relative to such programs which are incompatible with the public interest; and to protect, preserve, foster, and encourage the educational programs offered by private educational institutions which meet generally recognized criteria of quality and effectiveness as determined through voluntary accreditation. To these ends, this article shall be liberally construed.

23-2-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Degree" means any statement, diploma, certificate, or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in or has satisfactorily completed a prescribed course of study in a particular field of endeavor or that the person named thereon has demonstrated proficiency in any field of endeavor as a result of formal preparation or training.

(2) "Honorary degree" means any statement, diploma, certificate, or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in any field of public service or has performed outstanding public service or that the person named thereon has demonstrated proficiency in any field of endeavor without having completed formal courses of instruction or study or formal preparation or training.

(3) "Private college or university" means a postsecondary educational institution doing business or maintaining a place of business in the state of Colorado which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor, which institution is accredited on the basis of an on-site review in Colorado by one of the six nationally recognized regional accrediting associations or by an accrediting agency determined by the Colorado Commission on Higher Education to be appropriate to its educational purposes and programs, or an institution which is making reasonable and timely progress toward such accreditation, as determined by or in accordance with standards determined by the Commission, as of May 27, 1981.

(3.5) "Private occupational school" means an institution authorized by the Private Occupational School Division to

confer associate degrees, under the provisions of article 59 of title 12, C.R.S.

(4) "Seminary" or "bible college" means a bona fide religious postsecondary educational institution doing business or maintaining a place of business in the state of Colorado and which is exempt from property taxation under the laws of this state.

(5) "State college or university" means a postsecondary educational institution, including community and junior colleges, established and existing pursuant to law as an agency of the state of Colorado and supported wholly or in part by tax revenues.

23-2-103. Awarding degrees. Notwithstanding the provisions of section 7-50-105, C.R.S., or any other law to the contrary, no person, partnership, corporation, company, society, or association doing business in the state of Colorado shall award, bestow, confer, give, grant, convey, or sell to any other person a degree or honorary degree upon which is inscribed, in any language, the word "associate," "bachelor," "baccalaureate," "master," or "doctor" or any abbreviation thereof, or offer courses of instruction or credits purporting to lead to any such degree, except a state college or university, a private college or university, a private occupational school, or a seminary or bible college and except a school, college, or university which offers courses of instruction or study in compliance with standards prescribed by articles 2, 4, 22, 25, 31 to 33, 35, 36, 38, 40, 41, 43, 54, 63.5 and 64 of title 12, C.R.S.

23-2-103.5 Notification and deposit of records upon discontinuance. If a private or public college or university, seminary or bible college, or private occupational school discontinues operation in this state, its chief executive officer shall notify the Colorado Commission on Higher Education of the date of discontinuance and the name and address of the agency where records of such institution will be maintained. Records shall be permanently maintained and copies may be obtained by authorized parties, and such records shall include, but not be limited to, information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

23-2-104. Administration of article-injunctive proceedings. The Colorado Commission on Higher Education is charged with the administration of this article. The Commission, acting through the attorney general, may proceed by injunction against any violation of this article, but no such proceeding and no order issued therein or as a result thereof shall bar the imposition of any other penalty imposed for violation of this article.

23-2-105. Violation. Any person, partnership, corporation, company, society, association, or agent thereof doing business or maintaining a place of business in the state of Colorado who violates the provisions of section 23-2-103 commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

POLICIES OF THE COLORADO COMMISSION ON HIGHER EDUCATION FOR THE ADMINISTRATION OF THE DEGREE AUTHORIZATION ACT
(Section I, Part J)

1.00 Introduction

The Colorado Commission on Higher Education has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes, (Amended 1981), which authorizes certain types of institutions to offer degrees and/or degree credits. These are: (1) Colorado publicly-supported colleges and universities; (2) properly accredited private colleges and universities; (3) postsecondary seminaries and bible colleges; and (4) private occupational schools authorized by the Private Occupational School Division to offer associate degrees. Persons or unauthorized organizations which violate the provisions of the statute are subject to legal penalties.

The Commission shall administer the statute by seeking information from any entity offering degrees and/or degree credits to determine its authority under this statute. In order to determine the institutional type and to identify those institutions which are subject to the specific accreditation requirements of the statute, criteria have been established for each institutional type authorized to offer degrees or credits leading toward a degree. Procedures for Commission administration of the statute also have been developed.

In the following sections, the registration and authorization procedures are described, the criteria for each institutional type are defined, the procedures for Commission review of the accreditation status of institutions, when required, are stipulated, the policies on Commission notification to institutions of their status in regard to this act are listed, and the requirement for the maintenance of records is defined.

2.00 Registration and Authorization

2.01 Institutional Registration

All private colleges and universities, private occupational schools, and seminaries or bible colleges shall register with the Colorado Commission on Higher Education, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services. Postsecondary institutions shall register annually as follows:

- Private colleges or universities shall register annually until on-site accreditation in Colorado is received.

- Seminaries or bible colleges shall register annually until the institution's authorization is approved by the Commission.

- Private occupational schools shall register annually until the institution is approved by the Private Occupational School Division under the provisions of Article 59, Title 12, C.R.S.

2.02 Registration of an Agent or Representative

No agent or representative of any postsecondary institution delivering instruction or intending to deliver instruction in Colorado utilizing any method of delivering instruction in which there is physical presence in Colorado, or awarding credits or degrees or intending to award credits or degrees in Colorado shall operate until the agent or representative is registered with the Commission. The institution represented shall hold authorization to operate as a postsecondary institution in the state, province, or country in which its primary campus or headquarters is located and shall document its authorization. It shall be subject to all authorization criteria herein established. All agents and representatives of postsecondary institutions shall register annually until the institution meets the appropriate criterion in the following sub-sections. If the institution employs one or more persons who report to a director or executive officer based in Colorado for the purposes of administering, coordinating, training, tutoring, teaching, counseling, advising, or any other activity on behalf of the sponsoring organization, only the institution's Colorado-based director or executive officer shall be required to register on behalf of the institution.

2.02.01

Any person serving as an agent or institutional representative of a private college or university shall annually register with the Colorado Commission on Higher Education until the institution has been accredited by one of the six nationally recognized regional accrediting associations or by an accrediting association determined by the Commission to be appropriate to the institution's educational purposes and programs.

2.02.02

Any person serving as an agent or institutional representative of a seminary or bible college shall annually register with the Commission until the seminary or bible college has been authorized by the Commission.

2.02.03

Any person serving as an agent or institutional representative of a private occupational school shall annually register with the Commission until the institution is approved by the Private Occupational School Division under the provisions of Article 59, Title 12, C.R.S.

2.03 Granting of Authorization

Authorization shall be granted upon presentation of adequate information by the postsecondary institution seeking authorization to the Colorado Commission on Higher Education. As the first step toward authorization, representatives of a seminary or bible college or a private college or university shall consult in person with the designated administrator of the Degree Authorization Act at the Colorado Commission on Higher Education prior to submission of required documentation.

2.03.01

No private college or university shall operate until its accreditation is documented or its potential for accreditation is established and accepted by the Commission. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress toward accreditation in order to retain authorization.

An out-of-state private college or university that plans to offer half or more of a degree program or credit-bearing certificate program in Colorado via telecommunications technology but with no physical presence in Colorado shall have received authorization in its home state based upon evaluation of the institutional responses in the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications (see the Appendix). Documentation of home-state authorization should be provided. If the home state does not require that this document be used, the institution shall submit a complete response to this document to the Commission and it may be granted authorization in Category III, Authorized to Deliver Programs Via Telecommunications.

Private colleges and universities authorized at Category I, Ia, or II, may apply for Category III authorization by responding to the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications (see the Appendix) in order to deliver instruction to cooperating states that will recognize home-state authorization based upon response to that document. Category III authorization is not required for any institution authorized to operate in Colorado in order for it to extend instruction from its Colorado base to other sites within the state of Colorado via telecommunications.

2.03.02

A private occupational school shall be authorized to operate upon approval of the Private Occupational School Division.

2.03.03

No seminary or bible college shall operate until the bona fide religious nature of the institution is documented and verified by the Commission.

2.03.04

Colorado public higher education institutions (that will be regarded by other states' authorizing agencies as private institutions) may apply for Category III authorization by responding to the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications (see the Appendix) in order to deliver instruction to cooperating states that will recognize home-state authorization based upon response to that document. Category III authorization is not required for a Colorado public higher education institution in order for it to extend instruction to sites within the state of Colorado via telecommunications.

2.04 Authorization of Institutions Having Physical Presence in Colorado

2.04.01

Any institution that delivers instruction in Colorado and has a physical presence in Colorado shall meet the criteria for state authorization in Colorado. Authorization by the State of Colorado shall not be granted to institutions that do not have a physical presence in Colorado.

2.04.02

An institution has physical presence in the state if it employs in Colorado any person or persons for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, or any other activity on behalf of the sponsoring organization regardless of whether or not the person or persons employed receive any form of compensation. In addition, the institution has physical presence in Colorado if it delivers, or plans to deliver, instruction in Colorado, and receives assistance from any other organization within the state in delivering the instruction, such as, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.

2.05 Authorization as Both Seminary or Bible College and Private College or University

A postsecondary institution that meets authorization criteria for both private colleges or universities and seminaries or bible colleges may request and be granted authorization in both areas.

3.00 Criteria

3.01 Seminary or Bible College

To qualify as a seminary of bible college, the statute recognizes only a "bona fide religious postsecondary educational institution" which is "exempt from property taxation under the laws of this state." Institutions of this type also shall only offer programs appropriate to a religious institution.

3.01.01

An institution must qualify both as a "bona fide religious institution" and as an "institution of postsecondary education."

A. To qualify as a postsecondary educational institution, as distinguished from an institution operating at the secondary level, it shall require for admission at least a high school diploma or its equivalent.

B. To determine that an institution qualifies as a "bona fide religious institution" the Commission will accept the following evidence.

- Evidence that a school holds at least preaccreditation status with one of the following nationally recognized accrediting associations:

  The American Association of Bible Colleges; or

  The Association of Advanced Rabbinical and Talmudic Schools; or

  The Association of Theological Schools in the United States and Canada.

- Exemption from property taxation under state law.

- A statement of institutional mission clearly establishing the mission of the institution as solely religious, and curricula and degree, diploma, or certification programs that clearly support that mission singularly.

- Other appropriate, substantial, evidence of qualification for state authorization as a seminary or bible college.

3.01.02

To meet the criterion of exemption "from property taxation under the laws of this state" a seminary or bible college located in Colorado shall offer documentation

of exemption for the school's site and facilities verified by the Colorado Division of Property Taxation.

3.01.03

As the first step in the process of obtaining state authorization, institutions seeking to operate in Colorado as a seminary or bible college shall consult in person with the designated administrator of the Degree Authorization Act at the Colorado Commission on Higher Education prior to the submission of required documentation. Following the consultation and review of all documents submitted, the Commission shall determine if the institution qualifies for authorization as a seminary or bible college.

3.01.04

An institution shall not be eligible for authorization as a seminary or bible college if it offers degrees appropriate only for academic institutions, such as, but not limited to, Bachelor of Arts or Bachelor of Science, Master of Arts or Master of Science, Doctor of Philosophy, or other degrees typically offered by academic institutions, regardless of curriculum or course content, unless the degree title includes the religious field of study (e.g., "Bachelor of Arts in Religious Studies"). Institutions authorized as seminaries and bible colleges also shall not offer degrees associated with specific professional fields or endeavors not clearly and directly related to religious studies or occupations. Examples of such degree titles are Bachelor of Business Administration or Master of Business Administration; Bachelor of Education, Master of Education or Doctor of Education; and Doctor of Psychology. Seminaries or bible colleges offering such degrees shall retitle all such degrees not later than July 1, 1993.

3.02 Private Occupational School

To qualify for the private occupational school exemption, the statute requires that the school be authorized to confer associate degrees by the Private Occupational School Division under the provisions of Article 59, Title 12, C.R.S. The statutory exemption extends to the offering of associate degrees only. The evidence required to enable the Commission to determine that an institution so qualifies is documentation that the institution has been authorized by the Private Occupational School Division to confer associate degrees under the provision of the statute.

3.03 Private College or University

3.03.01

A private college or university, under the statute, is an institution which is "doing business or maintaining a place of business in the state of Colorado" which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor. A publicly-supported college or university in another state

(which would not qualify by statutory definition for the "state college or university" exemption) will be treated as a "private college or university" and will be authorized to offer courses of instruction toward a degree, degree credits, or degrees if it qualifies under the criteria for such institutions. An institution that employs an agent or representative in Colorado and delivers instruction by any means within the state shall be regarded as a private college or university and shall be authorized on the same basis as any other such institution.

3.03.02

Criteria to qualify as a private college or university are:

- Accredited on the basis of an on-site review in Colorado by one of the six regional accrediting associations; or

- Accredited by an acceptable alternative accrediting agency determined by the Colorado Commission on Higher Education to be appropriate to its educational purposes and programs; or

- Making reasonable and timely progress toward such accreditation, as determined by or in accordance with standards determined by the Commission.

3.03.03

The Commission hereby determines that any accrediting association recognized by the Council on Postsecondary Accreditation will be accepted by the Commission unless the Commission determines that such an association is not appropriate to the education purposes and programs of the institution.

3.03.04

Authorized private colleges and universities that plan to deliver a degree program or credit-bearing certificate program that originates in Colorado to any other state, of which half or more of credit coursework will use telecommunications or other form of distance learning technology, that submit a complete and satisfactory response to the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications (see the Appendix) may receive Category III authorization, "Authorized to Deliver Degree Programs and Credit-Bearing Certificate Programs Via Telecommunications."

To qualify for Category III authorization the institution shall respond to all items of information in the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications. For each item, the Commission shall determine whether the institution will maintain standards (1) comparable to those pertaining to the institution's on-campus program, and (2) consistent with recognized standards in higher education.

4.00 Procedures for Review of Accreditation Status, Private College or University

4.01 Determination of Acceptable Accreditation

4.01.01

The Commission staff shall determine from the Council on Postsecondary Accreditation (COPA) all accrediting associations that may serve as alternatives to the recognized regional accrediting associations. Accreditation by one of the regional accrediting associations or by an accrediting association recognized by COPA is a prerequisite for consideration and approval by the Commission.

4.01.02

The Commission staff shall determine whether the institution is accredited either by:

A. one of the six nationally-recognized regional accrediting associations, or

B. an accrediting association recognized by COPA and appropriate to thee institution's educational purposes and programs.

4.01.03

If the institution does not hold accreditation in accordance with section 4.01.02, above, the Commission staff shall request submission of information verifying its accreditation status and/or evidence of "reasonable and timely progress" toward accreditation. Reasonable and timely progress toward accreditation is understood to be a status with the regional accrediting association or an acceptable, COPA-recognized alternative accrediting association (recognition shall be documented) that indicates that the institution has been determined to hold the potential for accreditation and is actively pursuing accreditation within the timetable established by the regional accrediting association (unless an alternative timetable has been presented to and accepted by the Commission). Institutions that are seeking initial accreditation shall follow the policies and procedures articulated in section 4.04.01, below.

4.02 Consultation, Review of Documents, and Assignment of Institutional Status

4.02.01

As the first step toward state authorization, institutions seeking state authorization to operate in Colorado as a private college or university shall consult in person with the designated administrator of the Degree Authorization Act at the Colorado Commission on Higher Education prior to the submission of required documentation.

4.02.02

After the consultation and review of all documents submitted, the Commission shall assign the institution to one of the following categories:

- Category I, Accredited with On-Site Colorado Review.

  Institutions in this category are accredited on the basis of an on-site review in Colorado by a regional accrediting association or by another accrediting body recognized by COPA.

- Category I-A, Accredited Without On-Site Colorado Review.

  Institutions accredited by a regional or COPA-approved accrediting body but not on the basis of an on-site review in Colorado shall have a period of one year from the date its activities begin in Colorado to obtain such a review. The time limit may be extended upon presentation of documentation of good cause.

- Category II, Maintaining Reasonable and Timely Progress Toward Accreditation.

  Institutions in this category are making reasonable and timely progress toward accreditation in accordance with the statute and continue to make such progress in accordance with the policies and timetable outlined in Section 4.02, F, below.

- Category III, Authorized to Deliver Degree Programs and Credit-Bearing Certificate Programs Via Telecommunications.

  Institutions eligible for this category shall be:

  (1) institutions authorized by the Commission to operate as a private college or university in Colorado under the Degree Authorization Act;

  (2) out-of-state institutions that will not have physical presence in Colorado but plan to deliver instruction in Colorado via telecommunications;

  (3) Colorado public institutions, that will be regarded by other states' authorizing agencies as private institutions, that wish to deliver instruction to cooperating states that require home-state authorization on the basis of satisfactory completion of the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications.

  All institutions seeking Category III authorization shall have submitted to the Commission a complete and satisfactory response to the document Uniform Information on Degree and Credit-Bearing Certificate Programs to be Offered Via Telecommunications.

4.03 Extension of Authorization to Second Sites

A private college or university which is authorized to offer courses of instruction toward a degree or to award credits and degrees in Colorado, as a result of achieving on-site accreditation in Colorado or documented "reasonable and timely progress" toward accreditation, may extend its program to other Colorado sites. Second sites shall not require separate accreditation if they are coordinated from and overseen from the primary, accredited, Colorado site and if the program offered at the second site is the same or substantially the same program offered at the site visited by the accreditation team. If a private institution whose main campus is in Colorado establishes a second site in Colorado under its direct control, accreditation of the second site is not required.

Accreditation of second sites shall be required under the following circumstances:

- If the program at the accredited site is terminated or moved, accreditation at another site is required; or

- If a private college or university establishes a program at a second site which is not coordinated or overseen from the accredited primary site, its second site must have separate on-site accreditation; or

- If a private college or university establishes a program at a second site which is not offered at the primary, accredited, site; or if the program offered at the second site is substantially different from the program offered at the accredited site, the second site must have separate on-site accreditation

4.04 Authorization Policies and Timetables for Newly-Established Institutions and Currently-Operating Institutions Seeking Accreditation

4.04.01

Procedures for Institutions Applying for Initial State Authorization; Preliminary State Authorization

A. Prior to the acceptance of students, the offering of instruction, the award of credits toward a degree, or the award of a degree (as defined in the Degree Authorization Act), an organization that seeks to be authorized as a "private college or university" under the Degree Authorization Act shall provide to the Commission on Higher Education evidence that clearly and fully documents that it is an institution that can meet the accreditation criterion for state authorization. An institution seeking Preliminary State Authorization shall demonstrate that it is such an institution by providing information as described in section 4.04.01 C, below. The institution shall be neither a "private occupational school" nor a "seminary" or "bible college" as described in the Degree Authorization Act.

B. If the accrediting association from which the applying institution will seek accreditation is determined by the Commission to be an appropriate and acceptable alternative to the regional accrediting association, but the alternative association does not require an accreditation procedure that is comparable to that required by the regional accrediting association, the institution shall notify the Commission, and guidelines and timetables for the pursuit of accreditation shall be established consistent with both Commission intent and the alternative accrediting association's policies and procedures. (See section 4.04.03 B, below.) The information requested by the Commission for Preliminary State Authorization is required for all institutions. The Commission may also request additional information that can be used to determine the institution's potential for the achievement of accreditation.

C. To apply for Preliminary State Authorization an organization must provide to the Commission full documentation that demonstrates fulfillment of each of the criteria below.

(1) Familiarity With Accreditation and State Authorization Policies and Procedures

The institution shall be, and shall so state, that it is familiar with and understands accreditation procedures and state authorization policies and procedures. It shall state the name of the accrediting association from whom accreditation will be sought.

(2) Statement of Mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution including a brief description of the educational programs to be offered and their purposes, the students for which the programs are intended, the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees. The mission statement shall be provided to the Commission.

(3) Institutional Organization

(a.) A governing board that possesses and exercises necessary legal power to establish and review basic policies that

govern the institution shall have been formally established. The board shall include among its members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The Commission shall be provided a list of the members of the board with a brief resume of each.

(b.) An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name and title, and the address of the administrative office, shall be provided to the Commission.

(c.) If faculty members are employed at the time the application is filed with the Commission, the faculty members themselves, their academic credentials (degrees, previous experience, etc.), and teaching fields shall be identified. If no faculty members have been employed the institution shall describe the qualifications of the faculty that is to be recruited and the procedures that will be used to find and contract with faculty members.

(4) Degrees and Academic Programs

(a.) A degree (as defined in the Degree Authorization Act, 23-2-101 et seq., C.R.S.) shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

(b.) The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the Commission.

(c.) The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the Commission that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and

by the existence of professional organizations related to the field.

(d.) The content and length of the proposed academic program shall follow practices common to institutions of higher education. Normally, the proposed academic program shall include at least: (1) one undergraduate program planned for two or more years in length; or, (2) one graduate program of at least one academic year in length. Documentation shall be provided to the Commission that lists all requirements for a degree and the curricula offered leading to the degree, showing planned typical student programs by semester or term.

(e.) Any proposed undergraduate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs. The undergraduate general education component shall be documented.

General education is defined as follows:

General Education is "general" in several clearly identifiable ways: it is not directly related to a student's formal technical, vocational or professional preparation; it is a part of every student's course of study, regardless of his or her area of emphasis; and it is intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess. (From 1983 Statement on General Education, Commission on Institutions of Higher Education, North Central Association of Colleges and Schools.)

(f.) Student access to all necessary learning resources and support services shall be provided.

Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The institution shall describe the learning resources and support services that it will provide and state

how they will be provided to students on a regular, dependable basis.

(5) Admission Policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The Commission shall be provided with a copy of the institution's admission policies.

(6) Financial Resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted.

The Commission shall be provided with a current financial statement, an audit report of a financial audit completed within the previous twelve months by a certified public accountant, or other substantial evidence.

D. An institution that provides satisfactory information will be granted Preliminary State Authorization by the Commission for a period of time up to six (6) months. The Commission shall notify the institution in writing. Within that period of time the institution shall satisfactorily complete preliminary information as required by the regional or other appropriate, acceptable, accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted Category II authorization status. ("Degree" is defined in the Degree Authorization Act).

E. An organization or institution that violates these proscriptions shall have its Preliminary State Authorization revoked by the Commission and shall be subject to statutory penalties. If, within the six months period in which Preliminary State Authorization is held, the institution fails to satisfactorily complete preliminary information required by the regional accrediting association, its Preliminary State Authorization is terminated. An institution that has lost its Preliminary State Authorization because of failure to satisfactorily complete accreditation information may re-apply to the Commission for Preliminary State Authorization but not earlier than 90 days after the termination of preliminary authorization.

F. Upon presentation of documentation that the preliminary information submitted to the accrediting association is complete and satisfactory,* the Commission will grant the institution Category II state authorization, "Making Reasonable and Timely Progress Toward Accreditation." The institution shall continue the accreditation process immediately.

Upon receipt of Category II authorization the institution shall:

- Immediately establish an evaluation schedule with the NCA;
- Initiate the institutional self-study;
- Host the on-site accreditation visit within 24 months of receipt of Category II authorization status unless that time limit has been expressly modified by the Commission because of extenuating circumstances.

Failure to pursue accreditation continuously shall result in loss of state authorization.

G. Following the on-site accreditation visit the institution shall be continued in Category II status pending action (normally taken within 5 to 8 months following the site visit) by the NCA Commission on Institutions of Higher Education. When that action has been taken the institution shall immediately notify the Colorado Commission on Higher Education which will then assign the institution an authorization status from among the following:

- Category I, Accredited, as a result of the NCA decision to accredit the institution. This status shall change only if the accrediting association changes the institution's accreditation status. An accredited private college or university shall notify the Colorado Commission on Higher Education following each formal action of the NCA with respect to its accreditation.
- Continuation of Category II, Maintaining Reasonable and Timely Progress Toward Accreditation, based upon the NCA decision to

*General Institutional Requirement 3 (adopted August 7, 1992) of the North Central Association of Colleges and Schools cannot be met fully until the institution receives Category II state authorization. Requirement 13 (adopted August 7, 1992) cannot be met fully until the institution is in operation. The granting of Category II state authorization will depend only upon the satisfaction of all other General Institutional Requirements.

grant the status of Candidate for Accreditation, to the institution. An institution that holds candidacy for accreditation shall submit semi-annual reports to the Commission documenting its progress toward the achievement of accreditation consistent with NCA policy. Continuation of Category II status, in accordance with NCA policy, shall not extend beyond 6 years.

- Not authorized as a result of denial of accreditation by the NCA.

- Continuation of Category II status pending an appeal of denial of accreditation by the NCA Executive Board. Continuation on these grounds shall only be granted upon showing good cause to the Commission. An institution's final authorization status will be based upon the action taken by the NCA.

An institution that does not attain either accreditation or candidate for accreditation status after its initial on-site accreditation review, but can fully demonstrate continuing progress toward accreditation and the likelihood of achieving a satisfactory status upon a second on-site review, may be continued in Category II. The institution shall have no longer than 24 months to schedule a second on-site review in order to attempt to achieve accreditation or candidate for accreditation status. Failure to achieve either result in the second attempt shall result in loss of state authorization.

4.04.02

Institutions Currently Operating Without Required Accreditation Seeking Accreditation from the North Central Association of Colleges and Schools (NCA).

In the event of a private college or university having been in operation prior to the enactment of these policies without holding the accreditation required by the statutes and these policies:

A. The institution shall have a period of one year commencing with the enactment of these policies to continue to operate as long as the potential for accreditation is determined to exist and demonstrable and continuous progress is made toward accreditation. The following timetable within that one-year period shall be observed:

   - Within the first 90 days of that one-year period the institution shall compile and submit the Preliminary Information as currently described by the NCA in its official documents to the NCA and to the Commission.

- Written verification shall be submitted to the Commission of the Potential for accreditation as determined by the NCA. The institution shall be granted Category II status if the potential for accreditation is determined to exist. If the potential to achieve accreditation is found to be absent the private college or university at that time shall not be authorized to offer courses of instruction toward a degree or to award credits or degrees.

- At not less than 3-month intervals throughout the one-year period the institution shall submit additional documented reports of progress toward accreditation to the Commission.

- Before the close of the one-year period the institution shall have scheduled an on-site accreditation visit.

- Before the close of the one-year period the institution shall have initiated or prepared to initiate the institutional self-study.

- Failure to comply with the points included in this section shall result in the determination that the institution is not authorized to offer courses of instruction toward a degree or to award credits or degrees.

B. The accreditation process shall follow the NCA timeline beginning with the scheduled on-site accreditation visit:

i. Within 24 months of receipt of Category II authorization, unless that time limit has been expressly modified by the Commission because of extenuating circumstances, the institution shall host the on-site accreditation visit.

ii. Following the on-site accreditation visit, the institution shall be continued in Category II status pending action (normally taken within 5 to 8 months following the site visit) by the NCA Commission on Institutions of Higher Education. When that action has been taken the institution shall immediately notify the Colorado Commission on Higher Education which will then assign the institution an authorization status from among the following:

- <u>Category I, Accredited</u>, as a result of the NCA decision to accredit the institution. This status shall change only if the accrediting association changes the institution's accreditation status. An accredited private college or university shall notify the Colorado Commission on Higher

Education following each formal action of the NCA with respect to its accreditation.

- Continuation of Category II, Maintaining Reasonable and Timely Progress Toward Accreditation, based upon the NCA decision to grant the status of Candidate for Accreditation to the institution. An institution that holds candidacy for accreditation shall submit semi-annual reports to the Commission documenting its progress toward the achievement of accreditation consistent with NCA policy. Continuation of Category II status, in accordance with NCA policy, shall not extend beyond 6 years.

- Not authorized as a result of denial of accreditation by the NCA.

- Continuation of Category II status pending an appeal of denial of accreditation by the NCA Executive Board. Continuation on these grounds shall only be granted upon showing of good cause to the Commission. An institution's final authorization status will be based upon the action taken by the NCA.

An institution that does not attain either accreditation or candidate for accreditation status after its initial on-site accreditation review, but can fully demonstrate continuing progress toward accreditation and the likelihood of achieving a satisfactory status upon a second on-site review, may be continued in Category II. The institution shall have no longer than 24 months to schedule a second on-site review in order to attempt to achieve accreditation or candidate for accreditation status. Failure to achieve either result in the second attempt shall result in loss of state authorization.

4.04.03

Accreditation From Alternative Associations -- Newly Established Institutions and Institutions Operating Without Required Accreditation.

A. To meet the accreditation criterion for private colleges and universities as stipulated in the statutes [23-2-102(3)] a private college or university shall be accredited by or be making reasonable and timely progress toward accreditation by one of the following types of accrediting associations:

i. One of the six nationally recognized regional accrediting associations; or,

ii. An accrediting association that is recognized by the Council on Postsecondary Accreditation (COPA) and deemed by the Commission to be appropriate to the institution's educational purposes and programs.

B. Timetable for accreditation from alternative accrediting associations.

All newly-established institutions shall submit all required information to obtain Preliminary State Authorization and shall have a period up to six months thereafter to establish a timetable for the pursuit of accreditation from the alternative accrediting association. The Commission shall be notified of the timetable in writing.

Category II state authorization, "Maintaining Reasonable and Timely Progress Toward Accreditation," will be granted by the Commission when the alternative accrediting association has set a date for the institution's site visit and when the institution's specific accreditation process and timetable has been approved by the Commission. An accreditation site visit by the accrediting association is required within 24 months of the receipt of Category II authorization unless that time limit has been expressly modified by the Commission because of extenuating circumstances.
Failure to pursue accreditation continuously shall result in loss of state authorization.

5.00 Notification of Institution: Authorization and Termination of State Authorization

5.01 Notification of Authorization Status

Any institution that is granted authorization may receive written notification of acceptable status under the Act upon request. Private colleges or universities authorized in Category I-A shall receive written notification of the time limits for a satisfactory on-site Colorado accreditation review.

5.02 Termination of Authorization; Notification; Appeal

5.02.01
Private Colleges or Universities

Private colleges or universities shall be notified of the termination of authorization by the Commission if at any point the staff of the Commission on Higher Education determines that an institution is no longer making reasonable and timely progress toward accreditation. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall

be permitted. An appeal to the Commission may be filed; (see 5.02.03). In the absence of a timely appeal the termination shall be final.

Authorized private colleges or universities whose accreditation upon which their state authorization was based is terminated by the accrediting agency for any reason shall no longer be authorized, effective the date of termination of accreditation. A phase-out period of not more than one additional academic term shall be permitted.

5.02.02

Seminaries or Bible Colleges

An institution authorized as a seminary or bible college that fails to continue to meet the criteria for a bona fide religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed; (see 5.02.03). In the absence of a timely appeal the termination shall be final.

5.02.03

Appeals to the Commission by Private Colleges or Universities, or by Seminaries or Bible Colleges

Appeals to the Commission by institutions notified of the termination of their authorization shall be in writing and must be received within 30 days of the date of the mailing of the notice by the Commission to the institution of termination of the institution's state authorization. Upon appeal, a hearing shall be held by the Commission at a regular monthly meeting of the Commission. The Commission's decision shall be final.

5.03 Notification to Cease Offering Degrees or Degree Credits

Institutions that are not authorized but offer degrees and/or degree credits in Colorado shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if institutions fail to comply.

6.00 Notification and Deposit of Records Upon Discontinuance of a Program or Institution

If an authorized institution, branch campus, or extension program of an authorized institution discontinues operation in this state,its chief executive officer shall notify the Colorado Commission on Higher Education of the date of discontinuance and the name and address of the agency where records will be maintained.

Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

APPENDIX

Appendix

UNIFORM INFORMATION ON PROGRAMS OFFERED VIA TELECOMMUNICATIONS

A. **Identification of Program(s) and Instructional Locations**

1. List the program title and CIP Code, and the title of the degree to be awarded, for each program in which half or more of the credit coursework will be offered via telecommunications.

2. List each instructional site where the program(s) will be offered. If the reception site is not owned or leased by the institution, include the name, address, and telephone number of the entity that provides the site.

B. **Mission**

1. Attach a written mission statement that includes the following items:

   a. the history and development of the institution

   b. the state where the institution is chartered or incorporated, and the institution's legal status, e. g., public, independent not-for-profit, independent for-profit

   c. identification of any persons, entities, or institutions that have a controlling ownership or interest in the institution

   d. the purpose of the institution, including a statement of the relative degree of emphasis on instruction, research, and public service

   e. a description of the institution's telecommunications activities away from its principal location, including a list of all currently active reception locations.

   This statement will be released to the public upon request.

2. Describe the long-range plans for the instructional program(s) to be offered via telecommunications, and how these plans fit into the institution's mission, goals, and objectives.

C. **Organization and Administration**

1. Describe the institution's organizational structure for the administration and governance of instructional program(s) offered via telecommunications. Note any special administrative arrangements for the delivery of the instructional program(s).

2. Describe any consortial or other arrangements with institutions or other organizations which the institution has for telecommunications instruction.

D. **Finance**

1. Describe the institution's financial planning and budgeting procedures for the instructional program(s) offered via telecommunications. Note any arrangements which differ from on-campus planning and budgeting procedures. Include evidence that the institution's accounting and auditing procedures are consistent with those established by the National Association of College and University Business Officers (NACUBO).

2. Provide evidence of the institution's fiscal stability and financial capability to support its telecommunications-based instructional activities. Include all of the following:

   a. a copy of the institution's most recent annual submission of the United States Department of Education's IPEDS reporting form F-1 or F-2

   b. identification of any projected reallocation of institutional resources to support the proposed telecommunications-based instruction

   c. identification of current or proposed telecommunications-based programs that are supported by federal grants or contracts and any alternate sources of funds available to support those programs

   d. an annual budget, identifying all sources of income and all categories of Educational and General expenditures for the telecommunications-based program(s), for each of the first three years at the institution's transmission site and at each site where telecommunications-based instruction will be offered.

3. List the tuition and fee charges for instruction offered via telecommunications. If these tuition and fees are different from those charged at the home campus, identify and explain the differences.

4. Attach the printed document (e. g., catalog, program bulletin, admission brochure) that describes the institution's refund policy for students enrolled in telecommunications-based instructional programs.

5. Describe how the institution maintains financial capability to provide refunds of tuition and fees in accordance with its published policy, by providing evidence that it has one of the following:

   a. a line of credit or real (including capital) assets of value equal to the amount of total projected revenues from tuition and fees for any given year

   b. an endowment or reserve funds that are adequate to provide refunds to students

   c. a surety bond in an amount adequate to provide refunds to students that is issued by a surety company authorized to transact business in the state where telecommunicated instruction will be offered.

6. Describe how the institution would protect the interests of students if the institution were to discontinue or terminate its activities via telecommunications.

E. **Programmatic Information**

1. Describe the curriculum for each program to be offered via telecommunications, including course descriptions. If the program leads to an undergraduate-level certificate or degree, identify all required general education courses and all required courses in the major field of study.

2. Describe the institution's policies concerning:

   a. the number of class contact hours required for each degree credit awarded in telecommunications-based courses

   b. the maximum time permitted for the completion of each program

   c. the schedule for offering the courses composing each program

   d. the maximum number of students to be enrolled in any course offered via telecommunications.

3. Explain how the program(s) will compare with on-campus offerings, taking into consideration the differences in delivery methods, with particular attention to:

   a. the nature and extent of contact with the instructor and other students

   b. access to libraries, labs, equipment, and other resources necessary to support study in the program(s)

   c. the method(s) by which the student will be evaluated.

4. Describe how the institution plans to monitor and ensure the quality of instruction delivered via telecommunications, including any evaluation and assessment procedures for the instructional program(s). Note any outcome measures which the institution uses or proposes to use to evaluate student progress in the instructional program(s).

5. Describe any special arrangements or procedures for assessment of student work and grading necessitated by the telecommunications-based instructional program(s).

6. If the institution purchases any or all of its telecommunications-based instructional programs from another organization or institution, list the program(s), the source of each, and describe:

   a. procedures used in selecting the instructional program(s)

   b. procedures used in evaluating the instructional program(s) for credit-bearing instruction at the institution

   c. changes or editing by the institution.

F. **Instructional Staff**

1. List the faculty members who are directly involved with the instructional component of the telecommunications instructional program(s). For each, include information about the faculty member's:

   a. institutional status (regular, adjunct, etc.)

   b. location (on-campus, off-campus)

   c. rank and tenure status

   d. degrees held and field of specialization (or equivalent training and experience)

   e. discipline in which they are instructing

   f. involvement in prior telecommunications instructional activities

   g. total institutional course load and assignments.

2. Describe the institution's policies relating to the faculty for each telecommunications instructional program(s), and explain how each policy is disclosed to the faculty, for each of the following topics:

   a. criteria and process for selection and evaluation

   b. promotion, tenure, and termination

   c. salaries and fringe benefits

   d. developmental programs and sabbaticals

   e. academic freedom

   f. rights, privileges, and responsibilities

3. Describe any arrangements made for instructional staff involved in telecommunications instructional program(s) with regard to:

   a. orientation

   b. student and instructor interaction

   c. course and program development

   d. student testing.

   Attach the institution's current, written policy for ensuring that instructional faculty are accessible to students for academic advising outside regularly scheduled class hours.

4. Describe the institution's procedures for the evaluation of faculty involved with the telecommunications instructional program(s). If this evaluation process differs from regular procedures, explain how and why.

G. **Student Services**

1. Describe how and where the following services are provided for students involved in the telecommunications instructional program(s):

   a. admissions

   b. course registration

   c. records maintenance

   d. academic advising

   e. counseling

   f. financial aid; attach a copy of any printed information concerning financial aid opportunities that is provided to students in telecommunication-based programs

   g. student activities

   h. book/material purchase

   i. tutoring

   j. remedial services

   k. placement services

   l. other services.

   If these procedures differ from on-campus procedures, describe how and why. Attach a copy of the institution's student handbook.

2. Describe the institution's policies and procedures for maintaining records on enrolled students, including:

   a. a list of the kinds of student records maintained by the institution and the length of time each kind of record is maintained

   b. a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure or revocation of state approval to confer degrees.

H. **Learning Resources and Services**

1. Describe the arrangements made to provide learning resources and services of an appropriate breadth and quality to students enrolled in the telecommunications instructional program(s), e. g., mailing of materials from a home campus, contractual arrangements for library and laboratory resources and services, computerized data banks, student purchases of course materials. If the institution is offering graduate-level instruction via telecommunications, describe arrangements made to provide appropriate learning resources and services for graduate students.

2. Identify all guides or other information that are made available to students regarding learning resources and services for distance learners. Please attach a copy of each.

I. Telecommunications Delivery Systems

1. Specify the delivery system(s) utilized for the institution's telecommunications-based instructional program(s), e. g., television, videotape, computer.

2. Describe any facilities and equipment necessary for the delivery of the institution's telecommunications instructional program(s).

3. Describe any equipment to which students must have access in order to receive their instructional program(s) delivered via telecommunications and to interact appropriately with the instructor. Describe the arrangements made for making this equipment available to students. Provide data on the ideal and actual ratio of equipment to numbers of students using it.

4. If the institution delivers the telecommunications instructional program(s) to students through a broadcast entity, provide the name, title, address and phone number of the chief executive officer of the broadcast entity.

J. Academic Oversight

1. Describe how the institution as a whole will monitor and ensure the overall quality of the academic program(s) being delivered via telecommunications. Include in this description the evaluation procedures to be used for the telecommunications delivery system, learning resources and services, student services, organization and administration of the instructional program(s), acceptance of transfer credit, and award of credit for prior learning.